

FACSIMILE COVER SHEET

RITTER, LANG & KAPLAN LLP
ATTORNEYS AT LAW
P.O. Box 2448
Saratoga, CA 95070
Tel: 408-399-5608
Fax: 408-399-5609

CONFIDENTIALITY NOTE

The information contained in this facsimile (FAX) message is legally privileged and confidential information intended only for the use of the receiver or firm named below. If the reader of this message is not the intended receiver, you are hereby notified that any dissemination, distribution or copy of this FAX is strictly prohibited. If you have received this FAX in error, please immediately notify the sender at the telephone number provided above and return the original message to the sender at the address above via the United States Postal Service. Thank you.

Date: April 18, 2005
To: Examiner Mark Hellner
Group Art Unit: 3663
Fax No.: (703) 872-9306
Re: U.S. Patent Application No. 10/757,970
Filed: January 14, 2004
Applicants: Fausto Meli et al.
Docket No: CISCPC98C1
Attorney: Gary T. Aka

Attached:

- 1) Transmittal Form (1 pg);
- 2) Corrected Terminal Disclaimer (1 pgs).

Total Pages (including cover sheet) 3

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by
facsimile (703-872-9306) to the U.S. Patent and Trademark Office on April 18, 2005

Signed: Diane Elzingre

Diane Elzingre

****PLEASE CONFIRM RECEIPT OF THIS FACSIMILE BY RETURN FACSIMILE****

BEST AVAILABLE COPY

Please type a plus sign (+) inside this box → ☒

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (08-03)

Approved for use through 8/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/757,970
Filing Date	January 14, 2004
First Named Inventor	Fausto Meli
Group Art Unit	3683
Examiner Name	Mark Hellner
Attorney Docket Number	CISCP698C1

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☒ Corrected Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Return Postcard☐ Other Enclosure(s) (please identify below):

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 50-1662.

In response to the Office Communication mailed April 16, 2005, the terminal disclaimer fee previously submitted with the terminal disclaimer filed on January 21, 2005, please make the enclosed of record.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name

Gary T. Aka

Reg. No. 29,038

Signature



Date

April 18, 2005

CERTIFICATE OF FACSIMILE

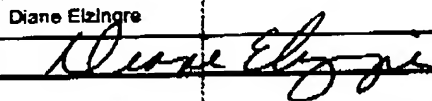
I hereby certify that this correspondence is being facsimile transmitted (703-672-6306) to the United States Patent and Trademark Office on the date shown:

April 18, 2005

Typed or printed name

Diane Elzingre

Signature



Date

April 18, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BEST AVAILABLE COPY

CENTRAL FAX CENTER

APR 18 2005

PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
CISCP698C1

In re Application of: Fausto Meli et al.

Application No.: 10/757,970

Filed: January 14, 2004

For: SHARED VARIABLE GAIN AMPLIFIER FOR WDM CHANNEL EQUALIZATION

The owner, Cisco Technology, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 8,697,193 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 40,043

Cindy Kaplan
Signature

4/16/2005
Date

Cindy S. Kaplan
Typed or printed name

408-399-5608
Telephone Number

- ***
☐ Terminal Disclaimer fee previously submitted with
Terminal disclaimer fee under 37 CFR 1.20(d) included. terminal disclaimer filed on 1/21/05

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time may vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

BEST AVAILABLE COPY